

REMARKS

Applicants have considered the Final Office Action of June 27, 2008. Claims 1 and 23 have been amended. Claim 2 has been cancelled. Claims 1, 3-8, and 11-23 are pending. Reconsideration is requested.

The Examiner maintained the rejection of claims 1-8 and 11-23 under 35 U.S.C. 103(a) as allegedly being obvious over Backman (U.S. Patent No. 6,441,096). Applicants traverse the rejection.

The instant claims can be viewed as encompassing subject matter that is a subgenus of the genus of compositions disclosed in Backman, and the claimed subgenus is not taught or suggested by Backman. MPEP § 2144.08.

Applicants have amended claims 1 and 23 so that the ratio of low weight fraction to high weight fraction is narrower. Backman's inventive Examples A-D do not fall within the claimed ranges. In addition, Examples A and B have a lower density than is claimed. Examples B-D also have a higher MFR₅ than is claimed.

Please note as well that the Examples in this application have a flexural modulus, or modulus of elasticity, that is greater than that disclosed in Backman. As seen in instant Table 4, the flexural moduli are improved (1380-1408 MPa) compared to Backman, which discloses a modulus of elasticity of at least 1100 MPa. Applicants have measured the flexural modulus of Examples C and D of Backman, and they have a flexural modulus of only 1003 MPa and 1150 MPa, respectively.

In addition, the Examples of this application have improved sagging or gravity flow compared to that of Backman. In Table 4 of this application, Example 1 has sagging of 0.04 mm/10 min, whereas Backman's Examples have a gravity flow of 0.068-0.096 mm/10 min. These values are directly comparable; compare column 4, line 21 to column 5, line 17 of Backman with page 13, last paragraph to page 15, first paragraph of the present specification.

As a result, Applicants submit that these circumstances lead to a conclusion that Backman would not lead one to select the overlapping subgenus.

Applicants request withdrawal of the § 103(a) rejection based on Backman.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 3-8, and 11-23) are now in condition for allowance.

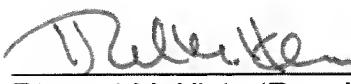
In the event the Examiner considers personal contact advantageous to the disposition of this case, s/he is hereby authorized to call Richard M. Klein, at Telephone Number (216) 861-5582.

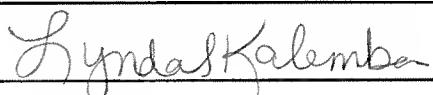
Respectfully submitted,

FAY SHARPE LLP

October 2, 2008

Date


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